

Index

- abandonment declaration, European Court of Human Rights (ECtHR), *RMS v Spain* 150–52
- accountability for extrajudicial executions *see* African Court on Human and Peoples' Rights, *Zongo v Burkina Faso*
- actio popularis* proposal, European Court of Human Rights (ECtHR), *Centre for Legal Resources (CLR) on behalf of Valentin Câmpeanu v Romania* 296–7, 299, 301, 302–3, 305–6, 309, 311
- African Charter on Human and Peoples' Rights (ACHPR) 3, 9, 100
- comparative material use 113, 114
- criminal libel 102
- and human rights integration 406–8
- 'peoples' definition problems 402, 409–13, 429, 430–33
- right to be heard and to receive legal aid 102
- right to have one's cause heard 116
- right to stand for office 77, 101
- Working Group of Experts on Indigenous Populations 412–13
- African Commission on Human and Peoples' Rights
- Amnesty International and Others v Sudan* 109, 116
- Article 19 v Eritrea* 105, 301
- Baes v Zaïre* 301
- Centre for Free Speech v Nigeria* 408
- Centre for Minority Rights Development and Minority Rights Group International v Kenya (Endorois)* 408, 413, 419, 425, 426, 459, 493
- Civil Liberties Organization v Nigeria* 301, 304
- Commission Nationale des Droits de l'Homme et des Libertés v Chad* 407
- Constitutional Rights Project and another v Nigeria* 304
- Constitutional Rights Project, Civil Liberties Organisation and Media Rights Agenda v Nigeria* 419, 435–6
- Democratic Republic of Congo v Burundi, Rwanda and Uganda* 408
- Katangese Peoples' Congress v Zaïre* 410
- Kenya Human Rights Commission v Kenya* 301
- Legal Resources Foundation v Zambia* 410–11
- Malawi Africa Association v Mauritania* 410
- Malawi African Association and Others v Mauritania* 301, 304, 434
- Medi Rights Agenda v Nigeria* 408
- and mental disability *see* European Court of Human Rights (ECtHR), *Centre for Legal Resources (CLR) on behalf of Valentin Câmpeanu v Romania*, African Commission on Human and Peoples' Rights, lesson from *Mouvement burkinabé des droits de l'homme et des peuples v Burkina Faso* 109–10, 116
- Odjouriby Cossi Paul v Benin* 304
- open-door approach 299–306
- Purohit and Moore v the Gambia* 302
- right to cultural identity 492–3
- Sudan Human Rights Organisation and Another v Sudan* 109

- Union Inter Africaine des Droits de l'Homme v Angola* 301
- Zimbabwe Human Rights NGO Forum v Zimbabwe* 408
- African Commission on Human and Peoples' Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 15, 16, 18, 104–5, 300, 401–44, 461, 468
- African Charter on Human and Peoples' Rights (ACHPR) 406–8
- African Charter on Human and Peoples' Rights (ACHPR), 'peoples' definition problems 402, 409–13, 429, 430–33
- collective rights 402, 409, 412, 413, 420, 430–31
- Committee on the Elimination of Racial Discrimination (CERD) 416–17, 423–4, 428, 441
- communal land ownership 415, 417, 424, 437
- environmental impact assessment 405
- European Court of Human Rights (ECtHR) comparison 418, 434–5, 436, 439
- external sources, use of 407–8
- facts and procedures overview 404–6
- free, prior and informed consent (FPIC) requirement 403, 405, 420–28, 429, 440–44
- free, prior and informed consent (FPIC) requirement, and power imbalance between indigenous peoples and state 425, 439–40
- 'in accordance with the law' test 426–7
- indigenous peoples' cultural rights 414–15
- 'indigenous peoples', use of term 411–13, 429, 430–33
- Inter-American Court of Human Rights (IACtHR) comparison 413, 417–18, 424–5, 426–7, 435, 439, 442–3
- International Convention on Civil and Political Rights (ICCPR) 414, 422–3, 431, 437, 441
- International Covenant on Economic, Social and Cultural Rights (ICESCR) 414–15, 423, 428, 431, 437, 441
- International Labour Organisation Convention (ILO) Concerning Indigenous and Tribal Peoples in Independent Countries 416, 422, 432
- land ownership and possession link 416
- land right transfers, right to be consulted 422–8
- land rights as property rights 402–3, 414–20, 426, 429, 433–8
- Ogoni community as 'peoples' 402
- oil exploitation 405, 433, 436, 438–9
- peoples' rights and indigenous peoples' rights in Africa 409–13
- 'public need or general interest' test 403, 419, 426, 436
- right to identity and cultural development 422, 427, 433–4, 436–7
- and self-determination and participation rights 420–28
- and self-identification 413, 432
- UN Declaration on the Rights of Indigenous Peoples (UNDRIP) 403–4, 420–21, 423, 424, 427, 431, 432–3, 441–2, 443–4
- UN Human Rights Committee (HRC) 414, 422–3, 437, 441
- African Committee on the Rights and Welfare of the Child 102
- African Court on Human and Peoples' Rights 6, 9, 71
- Konaté v Burkina Faso* 90, 92, 102
- Mtikila v Tanzania* 101
- Onyango Nganyi v Tanzania* 102
- Tanganyika Law Society v United Republic of Tanzania* 82–3, 90, 92, 95, 98
- Thomas v Tanzania* 90, 92, 102, 113
- and UN Human Rights Committee (HRC), *AP v Russian Federation* 82–3, 84, 88, 90, 91–2, 98
- African Court on Human and Peoples' Rights, *Zongo v Burkina Faso* 15, 16, 18, 100–18

- case brought by an NGO in the public interest 104–5
- case overview 103–6, 111–12
- comparative material, assessment of use 112–14
- due diligence reasoning 110–12, 114
- due diligence requirements 105–6, 107–9, 116, 117–18
- and Economic Community of West African States (ECOWAS) Treaty 106, 113, 114
- European Court of Human Rights (ECtHR) comparison 104, 109, 113
- exhaustion of local remedies 104–5
- extrajudicial executions 109–10
- failure of the state to identify and apprehend the killers caused fear and anxiety in media circles 106, 118
- Inter-American Court of Human Rights comparison 108, 113, 114
- international human rights law and enforced disappearances 108
- Protocol to the African Charter on Human and Peoples' Rights (ACHPR) 101
- remedy procedure assessment 104, 111–12, 116–18
- reparations judgment 106
- rewritten judgment 116–18
- submission within reasonable time 104
- UN Human Rights Committee (HRC) comparison 108–9, 110
- violation of the right to life 103–4
- African Court of Justice and Human Rights, jurisdiction over legal persons for international crimes 470
- African human rights system comparison, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador*, right to live in a healthy environment 461, 468, 492, 493
- African Union (AU) 101
- aging and elder rights *see* European Court of Human Rights (ECtHR), *McDonald v the United Kingdom* (disability and elder rights)
- Åhrén, M 389, 392, 404
- Akandji-Kombé, J 331
- Alston, P 226, 409
- American Convention on Human Rights (ACHR) 8–10, 403
- comparison, UN Human Rights Committee (HRC), *AP v Russian Federation* 77, 79, 80
- Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 446–7, 448–9, 450, 451, 452–3, 459, 460, 461, 466–7, 471 *see also* Inter-American Commission on Human Rights (IACCommHR)
- An-Na'Im, A 158
- Anaya, J 390, 403, 421, 449–51, 455, 482
- Andenæs, M 124
- Antkowiak, T 451, 452, 453
- Anton, D 462–3, 472
- Appell, A 157
- Apter, I 327
- Arato, J 39
- Arenas, L 454
- association, freedom of European Court of Human Rights (ECtHR), *National Union of Rail, Maritime and Transport Workers v the United Kingdom* (RMT) 34, 35–6, 37–8, 42–4, 45–6, 59–70
- Atrey, S 277, 278
- austerity measures, and pension system reform *see* European Committee of Social Rights (ECSR), *Federation of Employed Pensioners of Greece (IKA-ETAM) v Greece*
- Bailleux, A 13–14, 26, 351–77
- Baldwin, C 409
- Balkin, J 11
- Barelli, M 422, 423, 425, 426
- Barlett, P 307
- Baumgärtel, M 296
- Benedetto, M 166

- Berman, P 7
 Bjelic, N 262
 Bjorge, E 40
 Bjørge, E 124
 Blanchet-Cohen, N 466
 Bogg, A 33, 34, 36
 Bojosi, K 454
 Bol, D 75
 Bormann, N 74
 Boudreau, J 415, 423
 Boyd, D 461, 463
 Bradlow, D 184, 185
 Brancati, D 75, 76
 Brems, E 1–27, 31, 40, 86, 93, 154, 162, 227, 234–60, 324, 473, 474
 Bribosia, E 21, 25, 261–85
 Bridges, K 158
 Brighton Declaration, European Court of Human Rights (ECtHR), *National Union of Rail, Maritime and Transport Workers v the United Kingdom* (RMT) 33
 Bruch, C 461
 ‘Brussels’ Document on the Future of the Protection of Social Rights in Europe’ 31–4, 53
 Burkina Faso, accountability for extrajudicial executions *see* African Court on Human and Peoples’ Rights, *Zongo v Burkina Faso*
- Canada
Brookes v Canadian Safeway 279
Gosselin v Quebec 337
 and human dignity 337
Re Same-Sex Marriage 121
 Supreme Court’s approach to discrimination 278, 279
Withler v Canada (Attorney General) 278
 caregiving, European Court of Human Rights (ECtHR)
 children taken into care 153, 168–9, 173, 177–8
 integrated approach 155–7
 societal value of and state responsibility 156
 Carey, J 75
 Carmona, M 152
 Carozza, P 336, 337, 340
 Castellote, C 147
 CERD *see* UN Committee on the Elimination of Racial Discrimination (CERD)
 Chambers, R 184–5
 childbirth, differences in absenteeism due to childbirth and illness between foreign and Netherlands women workers 213–14
 children
 best interest of the child factor, European Court of Human Rights (ECtHR), *RMS v Spain* 160–62, 172–3
 child custody and child removal, European Court of Human Rights (ECtHR), *RMS v Spain* 161–2
 child-protection and mother-punishment dynamics, European Court of Human Rights (ECtHR), *RMS v Spain* 157–9
 children’s rights *see* Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador*, children’s rights, mainstreaming foster care, European Court of Human Rights (ECtHR), *RMS v Spain* 153–4, 163, 175
 UN Convention on the Rights of the Child (CRC) 462
see also families; parents
 Churchill, R 218, 222
 Clapham, A 468
 Clements, L 325, 329, 331, 337
 co-respondent mechanism
 introduction, European Committee of Social Rights (ECSR), *Federation of Employed Pensioners of Greece (IKA-ETAM) v Greece*, EU responsibility 198–201
 Cojocariu, C 290, 298
 collective rights
 African Commission of Human and Peoples’ Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 402, 409, 412, 413, 420, 430–31

- UN Human Rights Committee (HRC), *Paadar v Finland* 386, 388
- Colombian Constitutional Court, constitutional right to conscientious objection 274
- Committee on Economic, Social and Cultural Rights *see* UN Committee on Economic, Social and Cultural Rights (CESCR)
- Committee on the Elimination of Racial Discrimination (CERD) *see* UN Committee on the Elimination of Racial Discrimination (CERD)
- common but differentiated responsibilities
- European Committee of Social Rights (ECSR), *Federation of Employed Pensioners of Greece (IKA-ETAM) v Greece* 188
- Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 469
- communal land ownership, African Commission on Human and Peoples' Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 415, 417, 424, 437
- communal property right, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 447, 448, 453, 456, 458, 459, 462, 479–81, 483–4, 495
- compensation *see* reparation measures
- complaint mechanisms, need for effective, European Court of Human Rights (ECtHR) 298–9
- conscientious objection
- inclusion, European Court of Human Rights (ECtHR), *National Union of Rail, Maritime and Transport Workers v the United Kingdom* (RMT) 44
- reproductive rights *see* European Committee of Social Rights (ECSR), *International Planned Parenthood Federation European Network (IPPF/EN) v Italy* and UN Human Rights Committee (HRC), *Joslin v New Zealand* 133, 141–2
- 'consistent interpretation' doctrine concerns, European Court of Justice (ECJ), *Glatzel* 363–4
- consultation
- land right transfers, African Commission of Human and Peoples' Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 422–8
- procedural right, UN Human Rights Committee (HRC), *Paadar v Finland* 392, 397–9
- right, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 447–8, 454, 455, 456, 457, 459–60, 462, 479–90
- state's duty to consult, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 469, 490
- with young people, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 465–6, 477, 489
- Cook, R 158, 159, 275, 276, 279, 280
- Cooper, T 157
- corporate accountability for human rights violations, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 467–73, 485–6
- Council of Europe (CoE) 3, 8, 35–6
- Oviedo Convention (Council of Europe (CoE) Convention on Human Rights and Biomedicine) 246, 254, 259
- provisions for elderly people, European Court of Human Rights (ECtHR), *McDonald v the United Kingdom* 327–8, 329–30, 339

- Recommendation on positive parenting, European Court of Human Rights (ECtHR), *RMS v Spain* 161, 173
- Craven, M 196
- Crenshaw, K 225
- criminal accountability
- African Charter on Human and Peoples' Rights (ACHPR) 102
 - UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 245, 257, 259
- cultural considerations
- cultural stereotypes, European Committee of Social Rights (ECSR), *International Planned Parenthood Federation European Network (IPPF/EN) v Italy* 276
 - right to cultural identity, African Commission of Human and Peoples' Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 422, 427, 433–4, 436–7
 - right to cultural identity, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 448, 451–3, 458, 459, 492–4, 495
 - same-sex marriage, UN Human Rights Committee (HRC), *Joslin v New Zealand* 123–4
- Cusack, S 158, 159
- damages *see under* reparation measures
- Dannenmaier, E 452, 453–4
- Darrow, M 185
- d'Aspremont, J 187
- David, V 7, 17–20, 21, 25, 26, 147–81
- Davis, M 421
- De Beco, G 456
- De Hert, P 21, 25, 317–50
- De Pauw, M 21, 25, 317–50
- De Schutter, O 358–9
- De Vylder, H 20, 21, 22, 289–316
- decision-making process, European Court of Human Rights (ECtHR), *RMS v Spain* 167–70, 174–7
- declaration of abandonment, European Court of Human Rights (ECtHR), *RMS v Spain* 150–52
- Dersso, S 409, 410, 411
- Desmet, E 10, 13, 21, 22, 26, 296, 445–504
- Dickens, B 263, 265
- Dimopoulos, A 307
- disability rights
- consideration, European Court of Human Rights (ECtHR), *Centre for Legal Resources (CLR) on behalf of Valentin Câmpeanu v Romania* 294–9
 - discrimination in driving licence application *see* European Court of Justice (ECJ), *Glatzel* and elder rights *see* European Court of Human Rights (ECtHR), *McDonald v the United Kingdom*
- discrimination concerns
- European Committee of Social Rights (ECSR), *International Planned Parenthood Federation European Network (IPPF/EN) v Italy* 268, 269
 - European Court of Human Rights (ECtHR), *RMS v Spain* 165–7, 179–80
- racial discrimination *see* UN Committee on the Elimination of Racial Discrimination (CERD), *Yilmaz-Dogan v The Netherlands*
- same-sex marriage rights, UN Human Rights Committee (HRC), *Joslin v New Zealand* 136–7, 142–3
- sex discrimination, UN Committee on the Elimination of Racial Discrimination (CERD), *Yilmaz-Dogan v The Netherlands* 221, 231–2
- sterilization, involuntary *see* UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* *see also* equal treatment rights; minority rights

- Doron, I 327
- Dorsemont, F 34
- Douglas, H 11
- Doyle, C 420, 427, 428
- driving licence application, disability discrimination *see* European Court of Justice (ECJ), *Glatzel*
- Ducoulombier, P 47
- due diligence requirements
- African Court on Human and Peoples' Rights, *Zongo v Burkina Faso* 105–6, 107–9, 110–12, 114, 116, 117–18
 - European Court of Human Rights (ECtHR), *RMS v Spain* 153, 154
 - Inter-American Court of Human Rights (IACtHR) 108
- Dworkin, D 363–4
- Dzehtsiarou, K 6
- Economic Community of West African States (ECOWAS) Treaty, and African Court on Human and Peoples' Rights, *Zongo v Burkina Faso* 106, 113, 114
- Ecuador, oil concession agreement suspension *see* Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador*
- education issues
- Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador*, children's rights 464–5, 467
 - see also* training
- Eide, A 412
- elder rights *see* European Court of Human Rights (ECtHR), *McDonald v the United Kingdom* (disability and elder rights)
- elections and right to take part *see* UN Human Rights Committee (HRC), *AP v Russian Federation*
- Eliadis, F 159
- environmental impact assessment
- African Commission of Human and Peoples' Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 405
- Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 456
- environmental issues
- environmental law, European Committee of Social Rights (ECSR), *Federation of Employed Pensioners of Greece (IKA-ETAM) v Greece* 188
 - Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 446
 - right to live in a healthy environment *see* Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador*, right to live in a healthy environment
- equal treatment rights
- equality approach, European Committee of Social Rights (ECSR), *International Planned Parenthood Federation European Network (IPPF/EN) v Italy* 275–80
 - European Court of Justice (ECJ), *Glatzel* 353, 364–6, 374, 375–6
 - UN Human Rights Committee (HRC), *Joslin v New Zealand* 123, 128–9
 - see also* discrimination concerns; minority rights
- Erdman, J 267, 280
- ethnic discrimination, UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 250–52
- see also* discrimination
- EU
- Copenhagen Document of the Conference on Security and Cooperation in Europe 82
 - Equal Treatment Directive 218
 - individual right to stand for office 77–8

- member states' elections for the European Parliament 81–2
- women's rights during and after pregnancy 218
- EU Commission Against Racism and Intolerance (ECRI), UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 248
- EU Charter of Fundamental Rights disability discrimination in driving licence application *see under* European Court of Justice (ECJ), *Glatzel*
- and older persons' rights, European Court of Human Rights (ECtHR), *McDonald v the United Kingdom* 328, 338–9, 346–50
- European Commission for Democracy through Law (Venice Commission) 46
- European Committee of Social Rights (ECSR) 14–15, 32, 36, 42, 45, 46, 66–7
- Autism Europe v France* 372
- Centre on Housing Rights and Evictions (COHRE) v France* 201
- comparison, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 463
- Confédération Française de l'Encadrement (CFE-CGC) v France* 204
- Confédération générale du travail (CGT) v France* 183, 204
- Confederazione Generale Italiana del Lavoro (CGIL) v Italy* 265, 267, 268–9, 278
- European Action of the Disabled (AEH) v France* 372
- European Court of Human Rights (ECtHR), *National Union of Rail, Maritime and Transport Workers v the United Kingdom (RMT)* 14–15, 32, 36, 42, 45, 46, 66–7
- European Court of Justice (ECJ), *Glatzel* 359–60, 372
- Federation of Catholic Family Associations in Europe (FAFCE) v Sweden* 263
- General Federation of employees of the national electric power corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) v Greece* 360
- International Association Autism-Europe v France* 326
- International Federation of Human Rights Leagues (FIDH) v Belgium* 372
- International Federation of Human Rights Leagues (FIDH) v France* 326
- Marangopoulos Foundation for Human Rights v Greece* 463
- Mental Disability Advocacy Center (MDAC) v Bulgaria* 284–5
- Panhellenic Federation of pensioners of the public electricity corporation (PIS-DEI) v Greece* 182
- Panhellenic Federation of Public Service Pensioners (POPS) v Greece* 182
- Pensioner's Union of the Agricultural Bank of Greece (ATE) v Greece* 182
- Pensioners' Union of the Athens-Piraeus Electric Railways (ISAP) v Greece* 182
- right to a healthy environment 463
- Swedish Trade Union Confederation (LO) and Swedish Confederation of Professional Employees (TCO) v Sweden* 183
- European Committee of Social Rights (ECSR), *Federation of Employed Pensioners of Greece (IKA-ETAM) v Greece* 15, 16, 18, 182–207
- complainant trade union 203
- Economic Adjustment Programme 195–6
- environmental law, common but differentiated responsibility 188
- European Social Charter (ESC) violation 183–4, 204

- and European Stability Mechanism (ESM) 192, 195–6, 197–8
- government argument 203–5
- Memorandum of Understanding on Specific Economic Policy Conditionality* 182–3, 192, 195–6, 198
- monetary compensation for human rights violation as civil liability 201
- public international law regime of responsibility, limits of 187–91
- submissions of parties 203–7
- and UN Committee on Economic, Social and Cultural Rights (CESCR) 192–3, 196
- UN Convention on the Rights of Persons with Disabilities (CRPD), joint responsibility comparison 199
- European Committee of Social Rights (ECSR), *Federation of Employed Pensioners of Greece (IKA-ETAM) v Greece*, EU responsibility 194–201, 206–7
- co-respondent mechanism
 - introduction 198–201
- co-respondent mechanism
 - introduction, joint responsibility for violations 199–201
- human rights responsibility, current reading 196–8, 204–5
- States' derived human rights responsibilities 197–8
- States' human rights responsibilities 196–7
- European Committee of Social Rights (ECSR), *Federation of Employed Pensioners of Greece (IKA-ETAM) v Greece*, human rights law beyond state responsibility and transnational obligations 184–7, 205–6
- differentiation of reparation obligations 191
- responsibility for violations 186, 188–9, 190–91
- separate or joint obligations 186, 187–90, 206–7
- shared responsibility benefits 190–91
- European Committee of Social Rights (ECSR), *Federation of Employed Pensioners of Greece (IKA-ETAM) v Greece*, International Monetary Fund (IMF) responsibility 192–5, 204, 206–7
- factual and legal implication in violations 192
- general lending and project financing, distinction between 194
- human rights approach and member state responsibility 192–4
- shared obligations with debtor states 194, 200–201
- European Committee of Social Rights (ECSR), *International Planned Parenthood Federation European Network (IPPF/EN) v Italy* 15, 16, 18, 261–85
- appeals process 282
- availability of non-objecting medical practitioners 271, 272, 283–4
- Colombian Constitutional Court 274
- Committee on Economic, Social and Cultural Rights 273
- conscientious objector numbers 266–7
- cultural stereotypes 276
- discriminatory treatment 268, 269
- economic and territorial issues 277, 285
- 'equality as conformity' approach 278–80
- and European Court of Human Rights (ECtHR) 273–4
- evidence restrictions 267, 268
- family planning services 275–6
- feminist movements and
 - criminalization of abortions 276
- gender equality approach and intersectionality 275–80
- healthcare and conscientious objection issues 264–5, 277
- information access 272
- Italian National Committee of bioethics 271, 282–3
- medical practitioners' exemption 266–7, 268, 274, 283

- regulation of conscientious objection 272–3, 282
- right of access to procedures for the termination of pregnancy 268
- right to health 267–8, 276, 281
- right to health, gendered perspective 270–75, 284–5
- state regulation 266–9
- UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 272, 275–6, 281–2
- UN Human Rights Committee (HRC) 276–7
- women's right to self-determination and autonomy 270, 281–2
- World Health Organization (WHO) best practices 273
- European Convention on the Adoption of Children 52–3
- European Convention on Human Rights (ECHR) 77–8
 - European Court of Human Rights (ECtHR), *National Union of Rail, Maritime and Transport Workers v the United Kingdom* (RMT) 34, 35–6, 37–8, 42–4, 45–6, 59–70
- European Council Directive 2000/43/EC, principle of equal treatment between persons irrespective of racial or ethnic origin 222
- European Court of Human Rights (ECtHR) 6, 8, 10–11, 15, 16, 18, 32
 - AB and C v Ireland* 264, 273
 - Abdulayeva v Russia* 48, 69
 - Abdulaziz, Cabakes and Balkandali v United Kingdom* 376
 - Achabal Puertas v Spain* 94
 - Adde Junta Rectora Del Ertzainen Nazional Elkarasuna (E.R.N.E.) v Spain* 34, 42
 - Adefdromil v France* 42
 - Airey v Ireland* 164, 309, 314
 - Aizpurua Ortiz and Others v Spain* 310
 - A.K. and L. v Croatia* 148–9
 - Al-Sadoon and Mufhdi v UK* 52
 - Alajos Kiss v Hungary* 336, 350
 - Amanalachioai v Romania* 173
 - Armoniene v Lithuania* 312
 - Association Rhino and Others v Switzerland* 48, 69
 - Bayatyan v Armenia* 44, 49–50, 263
 - Bazorkina v Russia* 311
 - Biblical Centre of the Chuvash Republic v Russia* 48, 69
 - Biç and Others v Turkey* 312
 - Bosphorus v Ireland* 197
 - Botta v Italy* 317, 333
 - Brudnicka and Others v Poland* 312
 - Budina v Russia* 348
 - Burden v the United Kingdom* 310
 - Çakıcı v Turkey* 311
 - Calvelli and Ciglio v Italy* 244
 - Cantoni v France* 197
 - Catan et alii v Moldova and Russia* 189
 - Christine Goodwin v the United Kingdom* 321, 324, 333, 337
 - Civet v France* 104
 - Communist Party of Russia v Russia* 81
 - Cyprus v Turkey* 186–7
 - Dalban v Romania* 310–11
 - De Wilde, Ooms and Versyp v Belgium* 294
 - Demir and Beykara v Turkey* 10, 11, 33–4, 35, 38, 40, 41–2, 43, 44, 60, 63–4, 67, 68, 324
 - Dickson v the United Kingdom* 334, 348
 - Dogan and others v Turkey* 434–5
 - Dudgeon v United Kingdom* 120, 131
 - Dvořáček and Dvořáčková v Slovakia* 310
 - Ebrahimian v France* 241
 - effectiveness measurement 109
 - Emonet v Switzerland* 46
 - Ergi v Turkey* 109
 - and European Committee of Social Rights (ECSR), *International Planned Parenthood Federation European Network (IPPF/EN) v Italy* 273–4
 - European Federation of Employees in Public Services (EUROFEDOP) v France* 42
 - Evans v the United Kingdom* 334, 335, 348

- Fairfield and Others v the United Kingdom* 310, 312
 freedom of association and Article 11 of European Convention on Human Rights (ECHR) 34, 35–6
Gaygusuz v Austria 376
Giacomelli v Italy 456
Glor v Switzerland 47–8, 69, 325, 335, 376
Gorou v Greece (No 2) 50–51
Gorraiz Lizarraga and Others v Spain 309, 314
Grădinar v Moldova 312
Gross v Switzerland 322
Guiso-Gallisay v Italy 50
Guzzardi v Italy 69
Hämäläinen v Finland 132–3
Handyside v UK 419, 436
Havelka and Others v the Czech Republic 148, 152, 153, 163
Herzcegfalvy v Austria 306
Hirst (No 2) 51–2, 87
Hoffmann v Austria 376
Hrvatski Liječnicki Sindikat v Croatia 48
IG and others v Slovakia 237, 238, 244
İlhan v Turkey 310
Ireland v the United Kingdom 69
Jaloud v The Netherlands 189–90, 198
James and others v United Kingdom 47
Johansen v Norway 162
Jordan v UK 109
K. and T. v Finland 172, 173
K.A.B. v Spain 174, 175
Kaburov v Bulgaria 312
Karner v Austria 47, 69
Kaya and Polat v Turkey 310
Kelly and Others v UK 109
Konstantin Markin v Russia 47
Kosmopoulou v Greece 173
Kutzner v Germany 161, 162, 172, 177
Lawless v Ireland 227
Léger v France 311
Leyla Şahin v Turkey 314
 LGBTI rights 121, 123, 126, 127, 128, 131, 132–4, 136, 140, 142
Magyar Helsinki Bizottsag v Hungary 38
Malhous v the Czech Republic 311
Mamatkulov and Askarov v Turkey 314
Mangouras v Spain 50, 51
 ‘margin of appreciation’ doctrine 81, 91, 94
Marie-Louise Loyen and Bruneel v France 311, 312
Matelly v France 42
Mateus v Portugal 348
Matthews v United Kingdom 82, 197
Mazurek v France 376
Micallef v Malta 311, 312
Molka v Poland 321, 337
Monnat v Switzerland 313
Moser v Austria 148, 152, 163
Mouvement raëlien suisse v Switzerland 48, 69
M.P. and Others v Bulgaria 311
MS v Croatia (No. 2) 326
Nachova a.o. v Bulgaria 245, 252, 259
Nada v Switzerland 48, 69
NB v Slovakia 237, 249–50
Neulinger and Shuruk v Switzerland 161, 174
Nölkenbockhoff v Germany 312
N.P. v the Republic of Moldova 149, 153
Oliari and Others v Italy 132–3
Olsson v Sweden 162
Oran v Turkey 83–4, 98
O’Reilly and Others v Ireland 349
Osman v the United Kingdom 349
P and S v Poland 262, 263, 274
Phinikaridou v Cyprus 46
Pichon and Sajous v France 262, 263
Pini and Others v Romania 175
Polanco Torres and Movilla Polanco v Spain 312
Pretty v the United Kingdom 321, 337, 340, 347
P.V. v Spain 376
R. and H. v the United Kingdom 172
Raimondo v Italy 311
Ramsahai v the Netherlands 245
Redfearn v UK 46, 69
Rees v United Kingdom 333, 334
Ressegatti v Switzerland 312

- right to vote and to be elected 80, 81–2
- Roman Zakharov v Russia* 227
- RP and others v the United Kingdom* 307
- RR v Poland* 262, 263, 271, 273
- Sahin v Germany* 167, 170
- Saleck Bardi v Spain* 172
- Sanles Sanles v Spain* 312
- Saviny v Ukraine* 148, 162, 175
- Schalk and Kopf v Austria* 123, 126, 127, 128, 132, 136, 140, 142
- Schweizerische Radio- und Fernsehgesellschaft SRG v Switzerland* 48, 69
- Scoppola (No 2) v Italy* 44
- Scoppola (No 3) Case* 51–2
- Sejdić and Finci v Bosnia and Herzegovina* 48, 69, 77
- Sentges v the Netherlands* 321, 334
- Shtukaturov v Russia* 307
- Siguairoda Silva Mouta v Portugal* 376
- Soares de Melo v Portugal* 149
- Soering v United Kingdom* 50, 87, 228
- S. P., D. P. and A. T. v the United Kingdom* 313
- Stanev v Bulgaria* 326
- Stojkovic v “the former Yugoslav Republic of Macedonia”* 311
- Stukran and Others v Poland* 309, 314
- Sukran Aydin & Others v Turkey* 46, 69
- Tanase v Moldova* 44
- Tauira and 18 Others v France* 313
- Thévenon v France* 311
- Thlimmenos v Greece* 46
- Tysiac v Poland* 262, 263
- UNISON* 59, 62–3
- Varnava and Others v Turkey* 310, 311–12
- VC v Slovakia* 237, 238, 242–3, 244, 247, 251, 321, 337
- Velcea et Mazare v Romania* 46
- Velikova v Bulgaria* 311
- Wallová and Walla v The Czech Republic* 148, 152, 153, 161, 162, 163, 172, 173
- Watts v the United Kingdom* 321, 348
- X. and others v Austria* 40, 52–3
- X. v Croatia* 307
- X v France* 311
- X and Y v the Netherlands* 331, 408, 439
- Yahiaoui v France* 104
- Y.F. v Turkey* 313
- Yumak and Sadak v Turkey* 81
- Zehentner v Austria* 307
- Ziętal v Poland* 314
- European Court of Human Rights (ECtHR), *Centre for Legal Resources (CLR) on behalf of Valentin Câmpeanu v Romania* 15, 16, 18, 47, 289–316
- access to justice 295–6
- actio popularis* proposal 296–7, 299, 301, 302–3, 305–6, 309, 311
- African Commission on Human and Peoples’ Rights, lesson from 299–306, 308
- Committee for the Prevention of Torture and Inhuman and Degrading Treatment (CPT) reports 294, 298–9
- complaint mechanisms, need for effective 298–9
- Court’s approach, criticism of 294–5
- disability rights consideration 294–9
- and European case law 306–7
- European Observatory on Health Systems and Policies 305
- facts and judgment overview 292–4
- ‘indirect victim’ application and victim’s vulnerability 293–4, 308–9, 310–12
- judicial review right 293–4
- legal standing of NGOs 289–91, 294–5, 297–8, 300–302, 303, 314–16
- representation requirements 293, 313–14
- right to a fair trial 307
- right to life 295
- structural factors which enable victims to claim rights and participate in proceedings 297–8
- UN Convention on the Rights of Persons with Disabilities (CRPD) 295–6, 297–8, 299, 307

- European Court of Human Rights (ECtHR), *Centre for Legal Resources (CLR) on behalf of Valentin Câmpeanu v Romania*, African Commission on Human and Peoples' Rights, lesson from 300–305
- mass media communications 302–3
 - similarities 305
 - standing limits 302–3
 - standing rationale 304
 - standing rules 300–302
- European Court of Human Rights (ECtHR) comparison
- African Commission of Human and Peoples' Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 418, 434–5, 436, 439
 - African Court on Human and Peoples' Rights, *Zongo v Burkina Faso* 104, 109, 113
 - European Court of Justice (ECJ), *Glatzel* 368, 376
 - Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 456
 - UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 237–8, 242–3, 244, 245, 247, 249–50, 251, 258–9
 - UN Human Rights Committee (HRC), *AP v Russian Federation* 80, 81–2, 83–4, 89, 91, 93–4, 98
 - UN Human Rights Committee (HRC), *Joslin v New Zealand* 121, 123, 126, 127, 128, 129, 131, 132–4, 136, 140, 142
- European Court of Human Rights (ECtHR), *McDonald v the United Kingdom* 15, 16, 18, 317–50
- breach assessment 334–6
 - Care Plan Review 320, 321–2, 323
 - Council of Europe (CoE) provisions for elderly people 327–8, 329–30, 339
- EU Charter of Fundamental Rights and older persons' rights 328, 338–9, 346–50
- facts of case 319–20
 - global binding instrument on the rights of older persons, call for 327
 - human dignity concept 320–21, 323, 325, 326, 331, 335, 336–41, 342–3, 346–7, 348, 349
 - integration approach 324–8
 - international and European disability rights, failure to integrate 323, 340–41
 - issues addressed in rewritten judgment 322–3
 - Madrid International Plan of Action on Ageing 327
 - margin of appreciation granted to states 320, 322–3, 332, 334, 335–6, 348–50
 - older persons' rights, recognition of 326–7
 - original judgment 320–22
 - persons with disabilities as subjects of human rights or rights holders 325
 - positive obligations approach 331–6, 342
 - positive obligations approach, determining existence of 333–4
 - positive obligations approach, fair balance test 334–6, 348–9
 - proportionality test 322, 332, 349–50
 - provision of night time care 319–22, 331, 333–6, 348
 - Revised European Social Charter (ESCR) 326, 327, 329, 344–6
 - right to independent living and personal assistance, integrating 328–31, 335–6
 - right to independent living and provision of in-home support services 323
 - right to a private life 317–18, 320–21, 323, 331–2, 333, 347–8
 - UN Convention on the Rights of Persons with Disabilities (CRPD) 318, 325–6, 328–9, 333, 335, 338, 346

- European Court of Human Rights (ECtHR), *National Union of Rail, Maritime and Transport Workers v the United Kingdom* (RMT) 15, 16, 18, 31–70, 326
- asymmetry on way each side of balance is filled 48–9
- background to judgment 34–8 and Brighton Declaration 33
- ‘Brussels’ Document on the Future of the Protection of Social Rights in Europe’ 31–4, 53
- compatibility with fundamental rights 45–7
- conscientious objection inclusion 44
- Court’s ambivalent position 33–4
- European Committee of Social Rights (ECSR) 14–15, 32, 36, 42, 45, 46, 66–7
- European Social Charter (ESC) 32, 35, 37–8, 58–9, 67
- evolutive and consensual interpretation 40–41
- freedom of association and Article 11 of European Convention on Human Rights (ECHR) 34, 35–6, 37–8, 42–4, 45–6, 59–70
- integrated approach failings 33–4
- integrated approach foundation and Vienna Convention on the Law of Treaties (VCLT) 38–41
- integrated approach foundation and Vienna Convention on the Law of Treaties (VCLT), temporal dimension 40
- integrated approach limits 41–9
- integrated approach and regression 49–53
- International Labour Organisation (ILO) Conventions 3, 35, 36, 37–8, 45, 55–8, 67–8
- international law, interpretive relevance 39–40
- norm interpretation requirements 43–4, 45
- persuasive weight of external sources 44–9
- ‘present-day conditions’ interpretation 51
- proportionality principle argument 47–9
- relativization of interpretative authority 36–8
- ‘secondary’ or ‘sympathy’ industrial actions, ban on 34–8, 42–4, 45–9, 55–70
- statutory restrictions on right to strike 34
- subsidiary nature 41–4
- third party rights 47
- European Court of Human Rights (ECtHR), *RMS v Spain* 15, 16, 18, 147–81
- applicant’s vulnerability 176–7
- best interest of the child factor 160–62, 172–3
- care, integrated approach to 155–7
- change in applicant’s financial circumstances, failure to take into account 163–4
- child custody and child removal 161–2
- child-protection and mother-punishment dynamics 157–9
- Council of Europe (CoE) Recommendation on positive parenting 161, 173
- court reasoning assessment 159–70, 172–4
- decision-making process 167–70, 174–7
- declaration of abandonment 150–52
- discrimination against race, physical appearance and way of life 179–80
- discrimination concerns 165–7
- due diligence issues 153, 154
- factual background and legal claims 150–51
- fragmentation of human rights law, effects of 154–5
- gender and poverty stereotypes 158–9, 164–7, 177–8, 180–81
- institutional factors 151–4
- judicial review failings 168–70, 175, 176–7
- placement in pre-adoption foster care 153–4, 163, 175
- proportionality issues 152–3, 162–3

- 'rescuing' children from poor families 148–9, 152–3, 157–8, 160–61, 162–7, 177–9
- restriction of parental rights 161–2
- single mothers 149, 155, 157–8, 179–80
- societal value of and state responsibility in caregiving relations 156
- taking into care 153, 168–9, 173, 177–8
- UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 158, 165
- UN Convention on the Rights of the Child (CRC) 156, 160–61, 164, 168–9, 172–3, 176, 178
- UN Guiding Principles on Extreme Poverty and Human Rights 165, 181
- European Court of Justice (ECJ)
 - Afton Chemical* 375
 - Animal Defenders International* 47
 - Apelt* 375
 - Association belge des Consommateurs Test-Achats and Others* 374
 - Association de Médiation Sociale* 356
 - Attanasio Group* 375
 - Commission v Finland* 375
 - Commission v Italy* 370, 375
 - Commission v Portugal* 375
 - Cura Anlagen* 375
 - Defrenne v SABENA* 217, 358, 364, 373–4
 - Dekker v Stichting Vormingscentrum voor Jonge Volwassenen* 218, 279
 - on discrimination 279
 - Enviro Tech (Europe)* 375
 - Etimine* 375
 - F.R. Giménez-Zaera* 358
 - Francovich* 356
 - HK Danmark* 364, 370, 373
 - Johnston* 374
 - Prigge and Others* 374
 - Pringle v Government of Ireland* 195, 198
 - Sirdar* 374
 - Sloman Neptun* 358
 - Sotgiu v Deutsche Bundespost* 217
 - van Schaik* 375
 - Vodafone and Others* 375
 - Volker und Markus Schecke and Eifert* 375
 - Webb v EMO Cargo* 218, 279
 - Wolf* 374
 - Z 361, 364, 365
- European Court of Justice (ECJ), *Glatzel* 15, 16, 18, 351–77
- Charter of Fundamental Rights of the European Union, disability concept 354–5, 369–70
- differences in treatment affecting persons with disabilities 365–6
- equal treatment considerations 353, 364–6, 374, 375–6
- EU Charter of Fundamental Rights, Article 20, compatibility of lack of derogation in exceptional cases 367–8, 377
- European Committee of Social Rights 359–60, 372
- European Court of Human Rights (ECtHR) comparison 368, 376
- and European Economic and Social Committee 359
- European Social Charter (ESC) 359, 372
- integration of persons with disabilities 353
- judgment summary 352–3
- minimum standards for vision of drivers of power-driven vehicles 352, 375, 376–7
- proportionality principle 358, 366, 375
- road safety considerations 352–3, 365, 366–7, 371, 374–5
- UN Convention on the Rights of Persons with Disabilities (CRPD) 351, 352, 353, 356, 361–5, 373–4, 377
- visual acuity threshold 352–3, 354–67, 369, 371–2, 374–5, 376–7
- European Court of Justice (ECJ), *Glatzel*, EU Charter of Fundamental Rights, Article 21 compatibility 361–7, 373–7
- 'consistent interpretation' doctrine concerns 363–4

- Court's analysis 365–7
 CRPD applicability 361–5
 necessity review 366–7
 states' margin of appreciation 362–3
 validity review concerns 361–3
- European Court of Justice (ECJ),
Glatzel, EU Charter of
 Fundamental Rights, Article 26
 and integration of persons with
 disabilities as a principle 355–61,
 370–73
 regulation or directive precedence
 concerns 357
 standstill obligation 357–61, 372–3
 subjective rights of individuals 356
- European Economic Community
 laws, and UN Committee
 on the Elimination of Racial
 Discrimination (CERD),
Yilmaz-Dogan v The Netherlands
 217–18
- European Economic and Social
 Committee, and European Court
 of Justice (ECJ), *Glatzel* 359
- European Observatory on Health
 Systems and Policies, European
 Court of Human Rights
 (ECtHR), *Centre for Legal
 Resources (CLR) on behalf of
 Valentin Câmpeanu v Romania* 305
- European Roma Rights Centre, UN
 Committee on the Elimination
 of All Forms of Discrimination
 against Women (CEDAW
 Committee), *AS v Hungary* 236
- European Social Charter (ESC) 32, 35,
 37–8, 58–9, 67
- European Committee of Social
 Rights (ECSR), *Federation of
 Employed Pensioners of Greece
 (IKA-ETAM) v Greece* 183–4, 204
- European Court of Human Rights
 (ECtHR), *National Union of Rail,
 Maritime and Transport Workers
 v the United Kingdom (RMT)* 32,
 35, 37–8, 58–9, 67
- European Court of Justice (ECJ),
Glatzel 359, 372
- Revised, European Court of Human
 Rights (ECtHR), *McDonald v the
 United Kingdom* 326, 327, 329,
 344–6
- UN Committee on the Elimination
 of Racial Discrimination (CERD),
Yilmaz-Dogan v The Netherlands
 218, 221–2
- European Stability Mechanism (ESM),
 and European Committee of
 Social Rights (ECSR), *Federation
 of Employed Pensioners of Greece
 (IKA-ETAM) v Greece* 192,
 195–6, 197–8
- Evans, M 300, 303
- Evatt, E 77–8
- evidence restrictions, European
 Committee of Social Rights
 (ECSR), *International Planned
 Parenthood Federation European
 Network (IPPF/EN) v Italy* 267,
 268
- Ewald, J 82
- Ewing, K 33, 34, 36
- fair trial right, European Court of
 Human Rights (ECtHR), *Centre
 for Legal Resources (CLR) on
 behalf of Valentin Câmpeanu v
 Romania* 307
- families
 family life, right to *see* European
 Court of Human Rights
 (ECtHR), *RMS v Spain*
 same-sex couples as 136
see also children; parents
- family planning services
 European Committee of Social
 Rights (ECSR), *International
 Planned Parenthood Federation
 European Network (IPPF/EN) v
 Italy* 275–6
- UN Committee on the Elimination
 of All Forms of Discrimination
 against Women (CEDAW
 Committee), *AS v Hungary* 235,
 254–60
see also parents; pregnancy
- Faundes, A 265
- feminist movements and
 criminalization of abortions 276
- Feris, L 457

- fertility rate stereotype, UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 250–51
- Fialaa, C 264
- Fineman, M 157
- Finland, indigenous peoples, self-determination right *see* UN Human Rights Committee (HRC), *Paadar v Finland*
- Fischer Lescano, A 263, 269
- Fisher, J 120
- Fletcher, R 265, 270
- Ford, M 33
- Forowicz, M 32
- forum shopping, and racial discrimination *see under* UN Committee on the Elimination of Racial Discrimination (CERD), *Yilmaz-Dogan v The Netherlands*
- foster care, European Court of Human Rights (ECtHR), *RMS v Spain* 153–4, 163, 175
see also children
- Fraser, N 166
- Fredman, S 159, 226, 278, 279, 280
- free, prior and informed consent (FPIC) requirement
African Commission of Human and Peoples' Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 403, 405, 420–28, 425, 429, 439–40, 440–44
- Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 449–50, 453–7, 482–3, 484, 486–7, 489–90
- UN Human Rights Committee (HRC), *Paadar v Finland* 389, 391
- freedom of association, European Court of Human Rights (ECtHR), *National Union of Rail, Maritime and Transport Workers v the United Kingdom (RMT)* 34, 35–6, 37–8, 42–4, 45–6, 59–70
- freedom of movement and residence right, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 458, 490–91
- freedom of thought, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 458, 491
- Freeman, M 275
- gender
equality approach, European Committee of Social Rights (ECSR), *International Planned Parenthood Federation European Network (IPPF/EN) v Italy* 275–80
- LGBTI rights *see* LGBTI rights
- representation of women, UN Human Rights Committee (HRC), *AP v Russian Federation* 86
- and right to health, European Committee of Social Rights (ECSR), *International Planned Parenthood Federation European Network (IPPF/EN) v Italy* 270–75, 284–5
- same-sex marriage *see* UN Human Rights Committee (HRC), *Joslin v New Zealand*
- sex discrimination, UN Committee on the Elimination of Racial Discrimination (CERD), *Yilmaz-Dogan v The Netherlands* 221, 231–2
- stereotypes, European Court of Human Rights (ECtHR), *RMS v Spain* 158–9, 164–7, 177–8, 180–81
- gender, linguistic considerations and gendered language, UN Human Rights Committee (HRC), *Joslin v New Zealand* 126–8
- 'men and women' phrase, general understanding of 128–35, 140–41
- 'ordinary meaning of marriage' 129, 130–31, 134–5, 141
- Gerards, J 94, 323
- Gerber, P 123, 127, 128, 131, 132, 133, 139

- Germany, driving licence application, disability discrimination *see* European Court of Justice (ECJ), *Glatzel*
- Gilbert, J 414, 415, 419, 420, 427
- Golder, M 74
- Gonzalez, G 33, 41, 42
- Gory, J 139
- Grabham, E 225
- Gragl, P 33
- Greece, austerity measures and pension system reform *see* European Committee of Social Rights (ECSR), *Federation of Employed Pensioners of Greece (IKA-ETAM) v Greece*
- Grossman, C 184
- Grover, L 78
- Hachez, I 13–14, 26, 183, 351–77
- Hamidu, M 300
- Harris, D 218
- Hart, H 41
- Haugen, M 466
- health
 - absenteeism differences due to childbirth and illness between foreign and Netherlands women workers 213–14
 - mental disability *see* European Court of Human Rights (ECtHR), *Centre for Legal Resources (CLR) on behalf of Valentin Câmpeanu v Romania*
 - reproductive rights *see* European Committee of Social Rights (ECSR), *International Planned Parenthood Federation European Network (IPPF/EN) v Italy*
 - right to health, European Committee of Social Rights (ECSR), *International Planned Parenthood Federation European Network (IPPF/EN) v Italy* 267–8, 276, 281
 - right to health, gendered perspective, European Committee of Social Rights (ECSR), *International Planned Parenthood Federation European Network (IPPF/EN) v Italy* 270–75, 284–5
 - right to a healthy environment, European Committee of Social Rights (ECSR) 463
 - right to live in a healthy environment *see* Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador*
 - and safety issues, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador*, children's rights 465, 467
 - sterilization, involuntary *see* UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary*
- Heinämäki, L 421
- Heise, M 125
- Hembach, H 290
- Henckaerts, J 186
- Hendy, J 33
- Herszenhorn, D 72
- Hervieu, N 51
- Heyns, C 91, 92, 120
- Higgins, R 87
- Hillebrecht, C 5
- Hix, S 75
- Hoc, A 48
- Hodgson, D 411
- Hodzic, A 262
- Howard, S 275, 279, 280
- Huff, A 403, 414, 415, 416, 417
- human dignity concept
 - European Court of Human Rights (ECtHR), *McDonald v the United Kingdom* 320–21, 323, 325, 326, 331, 335, 336–41, 342–3, 346–7, 348, 349
 - and Inter-American Court of Human Rights (IACtHR) 338
 - Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 448, 459, 495–6
- Human Rights Committee *see* UN Human Rights Committee (HRC)

- human rights instruments, diversity of 2–7
- human rights integration
 in international human rights law 7–11
 methods 20–23
 reasons for 23–6
- Hungary, sterilization, involuntary
see UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary*
- Hunter, D 185
- Hunter, R 11
- identity right *see under* cultural considerations
- ‘in accordance with the law’ test,
 African Commission of Human and Peoples’ Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 426–7
- independent election candidates’ rights
 African Charter on Human and Peoples’ Rights (ACHPR) 101
 UN Human Rights Committee (HRC), *AP v Russian Federation* 75–6, 82, 85–6, 90–91, 98–9
- independent living right, European Court of Human Rights (ECtHR), *McDonald v the United Kingdom* 323, 328–31, 335–6
- India
Indian Council for Enviro-Legal Action v Union of India 472
 polluter pays principle 472
 right to a healthy environment 460–61, 463–4
Rural Litigation and Entitlement Kendra v Uttar Pradesh 460–61
 Supreme Court comparison, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 460–61, 463–4, 472
Vellore Citizens Welfare Forum v Union Of India 472
Virender Gaur v State of Haryana 464
- indigenous peoples
 oil concession agreement suspension
see Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador*
 protection, Inter-American Court of Human Rights (IACtHR) 417–18, 435, 437, 439
 rights, Nigeria *see* African Commission of Human and Peoples’ Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)*
 self-determination right *see* UN Human Rights Committee (HRC), *Paadar v Finland*
see also minority rights
- ‘indirect victim’ application and victim’s vulnerability, European Court of Human Rights (ECtHR), *Centre for Legal Resources (CLR) on behalf of Valentin Câmpeanu v Romania* 293–4, 308–9, 310–12
- industrial action *see* European Court of Human Rights (ECtHR), *National Union of Rail, Maritime and Transport Workers v the United Kingdom (RMT)*
- information access
 European Committee of Social Rights (ECSR), *International Planned Parenthood Federation European Network (IPPF/EN) v Italy* 268, 272
 UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 235, 241–2, 243, 246, 254–60
- informed consent obligation, UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 242
- Inman, D 22, 401–44
- Inter-American Commission on Human Rights (IACCommHR) 49–50

- Carrie and Mary Dann v USA* 227
and Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 474–5
Yanomami Community v Brazil 417
see also American Convention on Human Rights (ACHR)
- Inter-American Convention on Protecting the Human Rights of Older Persons 339
- Inter-American Court of Human Rights (IACtHR) 8–10
Artavia Murillo et al “In vitro fertilization” v Costa Rica 166
Atala Riffo and daughters v Chile 6, 166, 181
Blake v Guatemala 475, 498
Castañeda Gutman v Mexico 79–80, 83, 97–8
and due diligence 108
and human dignity 338
indigenous peoples 417–18, 435, 437, 439
Ituango Massacres 88
Mapiripan Massacre 88
Mayagna (Sumo) Awas Tingni Community v Nicaragua 418, 435, 437, 450, 463
Moiwana Community v Suriname 449, 453
Operation Genesis v Colombia 457
Saramaka People v Suriname 413, 424–5, 426–7, 435, 442–3, 454, 463
Sawhoyamaxa Indigenous Community v Paraguay 418, 435, 451
‘*Street Children*’ (*Villagran-Morales et al.*) *v Guatemala* 466–7
Valle Jaramillo v Colombia 457–8
Velásquez Rodríguez v Honduras 87, 108, 186, 408, 439
Vélez Restrepo and family v Colombia 114
Yakye Axa Indigenous Community v Paraguay 418, 435
YATAMA v Nicaragua 79, 80, 97
- Inter-American Court of Human Rights (IACtHR) comparison
- African Commission of Human and Peoples’ Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 413, 417–18, 424–5, 426–7, 435, 439, 442–3
- African Court on Human and Peoples’ Rights, *Zongo v Burkina Faso* 108, 113, 114
- UN Human Rights Committee (HRC), *AP v Russian Federation* 79–81, 83, 84, 88, 89, 97–8
- Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 15, 16, 18, 445–504
- American Convention on Human Rights (ACHR) 446–7, 448–9, 450, 451, 452–3, 459, 460, 461, 466–7, 471
‘common but differentiated responsibilities’ 469
- UN Convention on the Rights of the Child (CRC) 462
- corporate accountability for human rights violations 467–73, 485–6
- environmental impact assessment 456
- environmental liability 446
- European Committee of Social Rights (ECSR) comparison 463
- European Court of Human Rights (ECtHR) comparison 456
- facts and arguments overview 446–7
- field visits 447, 477
- free, prior and informed consent (FPIC) requirement 449–50, 453–7, 482–3, 484, 486–7, 489–90
- human rights impact assessment 456
- human rights integration 448–50
- human rights violations, scrutinizing potential 457–9
- Inter-American Commission (IACCommHR) and comprehensive approach to rights holders 474–5
- International Covenant on Civil and Political Rights (ICCPR) 452, 453, 459, 478, 479, 481, 482, 483, 491
- International Covenant on Economic, Social and Cultural

- Rights (ICESCR) 452, 455, 459, 462, 478, 479, 481, 482, 483, 491, 492–4
- International Labour Organisation Convention (ILO) Concerning Indigenous and Tribal Peoples in Independent Countries 455, 478, 479, 481, 482, 483, 484, 491, 492
- international legal responsibility 447, 449, 468–70
- judgment summary 447–8
- judicial guarantees and judicial protection 448, 496–7
- land rights and right to property 451–2, 456, 458–9
- ‘large-scale’ projects, understanding of 454, 455–6
- non-repetition guarantees 448, 500–501
- personal to factual/case-based approach suggestion 475–6
- political rights 451, 458, 491–2
- polluter pays principle 472
- projects with ‘major impact’ within indigenous territories 454–5
- protection of communal land and natural resources 447
- reparation measures 448, 459, 464, 465, 472, 474, 497–501
- right to communal property 447, 448, 453, 456, 458, 459, 462, 479–81, 483–4, 495
- right to consultation 447–8, 454, 455, 456, 457, 459–60, 462, 479–90
- right to consultation in good faith 485–6, 487–8
- right to cultural identity 448, 451–3, 458, 459, 492–4, 495
- right to freedom of movement and residence 458, 490–91
- right to freedom of thought and expression 458, 491
- right to self-determination 449, 450–53, 454, 456, 478–9, 481–2
- rights holders, introducing integrated approach 473–6
- rights to life and to personal integrity 448, 459, 495–6
- South Africa comparison 463, 471, 472–3
- state’s duty to consult 469, 490
- training of State officials on the rights of indigenous peoples 448, 471–2, 501
- Truth and Reconciliation Commissions 476
- UN Declaration on the Rights of Indigenous Peoples (UNDRIP) 453, 455, 459, 478, 481, 482, 483, 484, 491, 492
- UN Guiding Principles on Business and Human Rights 456, 470, 497
- UN Human Rights Committee (HRC) 455, 465
- Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador*, children’s rights, mainstreaming 464–7
- compensation for non-pecuniary damage 465, 501–2
- consultation with young people 465–6, 477, 489
- education issues 464–5, 467
- health and safety issues 465, 467
- Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador*, right to live in a healthy environment 459–64
- African human rights system comparison 461, 468, 492, 493
- health concerns 460–61
- as independent right 460–62
- Indian Supreme Court comparison 460–61, 463–4, 472
- integrating in right to life 462–4
- UN Committee on the Elimination of Racial Discrimination (CERD), African Commission of Human and Peoples’ Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 416–17, 423–4, 428, 441
- International Convention on Civil and Political Rights (ICCPR), African Commission of Human and Peoples’ Rights, *Social and Economic Rights Action Centre*

- (*SERAC*) v *Nigeria (Ogoni)* 414, 422–3, 431, 437, 441
- International Court of Justice (ICJ)
- Ahmadou Sadio Diallo (Republic of Guinea v Democratic Republic of the Congo)* 228
- and Genocide Convention 188
- Islamic Republic of Iran v United States of America (Oil Platforms)* 189
- Legality of the Threat or Use of Nuclear Weapons* 5
- International Covenant on Civil and Political Rights (ICCPR) 3, 110, 113, 123, 127, 133, 136, 216
- Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 452, 453, 459, 478, 479, 481, 482, 483, 491
- Optional Protocol, and UN Committee on the Elimination of Racial Discrimination (CERD), *Yilmaz-Dogan v The Netherlands* 219–20
- UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 237
- UN Human Rights Committee (HRC), *AP v Russian Federation* 72–3, 76
- UN Human Rights Committee (HRC), *Paadar v Finland* 381, 383–4, 385–6, 388, 389, 390, 391–2
- UN Convention on the Elimination of All Forms of Discrimination against Women (CERD), *Yilmaz-Dogan v The Netherlands* 216, 223–4, 228
- International Covenant on Economic, Social and Cultural Rights (ICESCR) 256
- African Commission of Human and Peoples' Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 414–15, 423, 428, 431, 437, 441
- Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 452, 455, 459, 462, 478, 479, 481, 482, 483, 491, 492–4
- and UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 256
- and UN Committee on the Elimination of Racial Discrimination (CERD), *Yilmaz-Dogan v The Netherlands* 216, 223
- see also UN Committee on Economic, Social and Cultural Rights (CESCR)
- International Criminal Court (ICC), *Costa Rica v Nicaragua* 130, 141
- international and European disability rights, failure to integrate, European Court of Human Rights (ECtHR), *McDonald v the United Kingdom* 323, 340–41
- International Labour Organisation (ILO) Conventions 3, 35, 36, 37–8, 45, 55–8, 67–8
- European Court of Human Rights (ECtHR), *National Union of Rail, Maritime and Transport Workers v the United Kingdom (RMT)* 3, 35, 36, 37–8, 45, 55–8, 67–8
- Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 455, 478, 479, 481, 482, 483, 484, 491, 492
- UN Committee on the Elimination of Racial Discrimination (CERD), *Yilmaz-Dogan v The Netherlands* 216–17, 232
- international law
- interpretive relevance, European Court of Human Rights (ECtHR), *National Union of Rail, Maritime and Transport Workers v the United Kingdom (RMT)* 39–40
- limits, European Committee of Social Rights (ECSR), *Federation of Employed Pensioners of Greece (IKA-ETAM) v Greece* 187–91

- responsibility, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 447, 449, 468–70
- International Law Association (ILA), on due diligence 107–8
- International Law Commission (ILC)
Draft Articles on Responsibility of International Organizations (DARIO) 187, 193
human rights integration 8
- International Monetary Fund (IMF), pension system reform and austerity measures *see* European Committee of Social Rights (ECSR), *Federation of Employed Pensioners of Greece (IKA-ETAM) v Greece*, International Monetary Fund (IMF) responsibility
- involuntary sterilization *see* UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary*
- Ioannidis, M 192, 195
- Isailovic, I 21, 25, 261–85
- Istrefi, K 33, 38
- Italy, reproductive rights *see* European Committee of Social Rights (ECSR), *International Planned Parenthood Federation European Network (IPPF/EN) v Italy*
- Jacobs, D 188
- Jaros, D 195
- Johnson, B 263
- Johnson, P 128–9, 140
- Joseph, S 123
- judicial guarantees, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 448, 496–7
- judicial review
European Court of Human Rights (ECtHR), *Centre for Legal Resources (CLR) on behalf of Valentin Câmpeanu v Romania* 293–4
- European Court of Human Rights (ECtHR), *RMS v Spain* 168–70, 175, 176–7
- UN Committee on the Elimination of Racial Discrimination (CERD), *Yilmaz-Dogan v The Netherlands* 232–3
- Kane, I 103
- Kanter, A 331
- Keller, H 78
- Keller, R 452
- Kessler, L 156
- Khaliq, U 218, 222
- Kilkelly, U 156
- Killander, M 14, 26, 91, 92, 100–18
- King, J 357
- Kinley, D 184–5
- Kiwanuka, R 409
- Koskenniemi, M 8
- Kozma, J 1, 226
- Kremyanskaya, E 72
- Krenc, F 23, 24, 31–70
- Kussbach, B 167
- Lamacek, A 263
- land rights and property rights
African Commission of Human and Peoples' Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 402–3, 414–20, 422–8, 429, 433–8
- Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 451–2, 456, 458–9
- Langford, M 20, 21, 24, 26, 119–43, 357
- language, gendered *see* gender, linguistic considerations and gendered language, UN Human Rights Committee (HRC), *Joslin v New Zealand*
- Larserud, S 86
- Lavrysen, L 33, 47, 162
- Law, D 94
- Lawson, A 333
- Leach, P 295

- legal aid, right to receive, African Charter on Human and Peoples' Rights (ACHPR) 102
- Letsas, G 50
- LGBTI rights
- European Court of Human Rights (ECtHR) 121, 123, 126, 127, 128, 131, 132–4, 136, 140, 142
 - same-sex marriage *see* UN Human Rights Committee (HRC), *Joslin v New Zealand*
 - see also* gender
- life, right to, European Court of Human Rights (ECtHR), *Centre for Legal Resources (CLR) on behalf of Valentin Câmpeanu v Romania* 295
- Lixinski, L 449, 458
- Londono, P 267
- Lynch, G 402
- Maassarani, T 456
- McAllister, I 72
- McBride Stetson, D 276
- McCafferty, C 262, 265
- McCrudden, C 337, 338
- McLachlan, C 39, 40
- Macleod, S 187
- Madrid International Plan of Action on Ageing 327
- Maes, G 357
- majoritarian systems versus
- proportional representation systems, UN Human Rights Committee (HRC), *AP v Russian Federation* 71–2, 73, 74–5, 76, 77–8, 81–2, 84–5
- Mancini, S 281
- Manrique, P 151
- Mantovani, E 327
- margin of appreciation doctrine
- European Court of Human Rights (ECtHR) 81, 91, 94
 - European Court of Human Rights (ECtHR), *McDonald v the United Kingdom* 320, 322–3, 332, 334, 335–6, 348–50
- marriage, same-sex *see* UN Human Rights Committee (HRC), *Joslin v New Zealand*
- Martin, D 365, 366
- mass media communications,
- European Court of Human Rights (ECtHR), *Centre for Legal Resources (CLR) on behalf of Valentin Câmpeanu v Romania* 302–3
- Matiation, S 415, 423
- Mayer, L 303
- medical negligence cases as
- exception to general procedural obligations, UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 244, 245
 - see also* health
- mental disability and access to justice
- see* European Court of Human Rights (ECtHR), *Centre for Legal Resources (CLR) on behalf of Valentin Câmpeanu v Romania*
- Merkouris, P 38, 45
- Metcalf, C 452
- Mexico, limitation of federal elections to candidates registered by parties 79–81, 83, 97–8
- Mikolajczyk, B 338
- minority rights
- UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 248–52
 - UN Human Rights Committee (HRC), *Paadar v Finland* 383–4, 387–8, 389, 391–3, 396–7
 - see also* discrimination concerns; equal treatment rights; indigenous peoples
- Miranda, L 467–8, 469, 471
- Moreda, P 152
- Morel, C 409
- movement, freedom of, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 458, 490–91
- Mubangizi, J 304
- Murphy, J 413
- Murray, R 300, 303

- Nejaime, D 264, 280
- Netherlands, racial discrimination
see UN Committee on the Elimination of Racial Discrimination (CERD), *Yilmaz-Dogan v The Netherlands*
- Neuman, G 2, 10, 13, 20–21, 24, 71–99, 417, 449, 453
- New Zealand, same-sex marriage *see* UN Human Rights Committee (HRC), *Joslin v New Zealand*
- Newcombe, A 107
- NGOs
 case brought by NGO in public interest, African Court on Human and Peoples' Rights, *Zongo v Burkina Faso* 104–5
 legal standing, European Court of Human Rights (ECtHR), *Centre for Legal Resources (CLR) on behalf of Valentin Câmpeanu v Romania* 289–91, 294–5, 297–8, 300–302, 303, 314–16
- Nicaragua, special protection of rights of indigenous and ethnic communities 79
- Nigeria, indigenous peoples' rights *see* African Commission of Human and Peoples' Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)*
- Nolan, A 468
- Nollkaemper, A 188
- non-repetition guarantees, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 448, 500–501
- Nordeide, R 32
- Nowak, M 226
- Nwobiket, C 401, 405
- obligation on informed consent, UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 242
- obligation to protect and fulfil rights, UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 242–3, 248, 252, 257–8
- obligation to respect, UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 252, 256–7
- O'Conneide, C 167, 2eur 295, 325, 333
- Odinkalu, C 103
- O'Flaherty, M 120
- oil concession agreement suspension
see Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador*
- oil exploitation, African Commission of Human and Peoples' Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 405, 433, 436, 438–9
- Oloka-Onyango, J 411
- Ost, F 50
- Oviedo Convention (Council of Europe (CoE) Convention on Human Rights and Biomedicine) 246, 254, 259
- Paradell, L 107
- parents
 Council of Europe (CoE) Recommendation on positive parenting 161, 173
 restriction of parental rights, European Court of Human Rights (ECtHR), *RMS v Spain* 161–2
see also children; families; family planning services
- Parker, C 325, 329
- participation rights, African Commission on Human and Peoples' Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 420–28
see also self-determination
- Pasqualucci, J 90, 418
- Pedersen, M 300
- Pedraza, P 357

- pension system reform *see* European Committee of Social Rights (ECSR), *Federation of Employed Pensioners of Greece (IKA-ETAM) v Greece*
- Peroni, L 336
- personal to factual/case-based approach suggestion, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 475–6
- Peters, B 133
- Pitea, C 39, 40
- political rights, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 451, 458, 491–2
- polluter pays principle, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 472
- Popelier, P 332
- Poppelwell-Scevak, C 133
- Porter, J 166
- positive obligations approach, European Court of Human Rights (ECtHR), *McDonald v the United Kingdom* 331–6, 342
- poverty
- ‘rescuing’ children from poor families, European Court of Human Rights (ECtHR), *RMS v Spain* 148–9, 152–3, 157–8, 160–61, 162–7, 177–9
 - stereotypes, European Court of Human Rights (ECtHR), *RMS v Spain* 158–9, 164–7, 177–8, 180–81
- pregnancy
- EU women’s rights during and after pregnancy 218
 - see also* family planning services
- ‘present-day conditions’ interpretation, European Court of Human Rights (ECtHR), *National Union of Rail, Maritime and Transport Workers v the United Kingdom (RMT)* 51
- preventive positive obligation, UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 241–3
- Pritchard-Jones, L 331
- private life right
- disability and elder rights, European Court of Human Rights (ECtHR), *McDonald v the United Kingdom* 317–18, 320–21, 323, 331–2, 333, 347–8
 - and family life *see* European Court of Human Rights (ECtHR), *RMS v Spain*
- property rights, and land rights *see* land rights and property rights
- proportional representation, versus majoritarian systems, UN Human Rights Committee (HRC), *AP v Russian Federation* 71–2, 73, 74–5, 76, 77–8, 81–2, 84–5
- proportionality principle
- European Court of Human Rights (ECtHR), *McDonald v the United Kingdom* 322, 332, 349–50
 - European Court of Human Rights (ECtHR), *National Union of Rail, Maritime and Transport Workers v the United Kingdom (RMT)* 47–9
 - European Court of Human Rights (ECtHR), *RMS v Spain* 152–3, 162–3
 - European Court of Justice (ECJ), *Glattel* 358, 366, 375
- protection of rights obligation, UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 242–3, 248, 252, 257–8
- Pruitt, L 157
- ‘public need or general interest’ test, African Commission of Human and Peoples’ Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 403, 419, 426, 436

- racial discrimination *see* UN
 Convention on the Elimination
 of All Forms of Discrimination
 against Women (CERD),
Yilmaz-Dogan v The Netherlands
 Rana, S 166
 Rebasti, E 303
 regional courts, dialogue with, UN
 Human Rights Committee
 (HRC), *AP v Russian Federation*
 86–95
 reindeer herding *see under* UN Human
 Rights Committee (HRC), *Paadar*
v Finland
 Reinisch, A 194
 reparation measures
 African Court on Human and
 Peoples' Rights, *Zongo v Burkina*
Faso 106
 European Committee of Social
 Rights (ECSR), *Federation of*
Employed Pensioners of Greece
(IKA-ETAM) v Greece 191, 201
 Inter-American Court of Human
 Rights (IACtHR), *Kichwa*
Indigenous People of Sarayaku v
Ecuador 448, 459, 464, 465, 472,
 474, 497–502, 501–2
 representation requirements, European
 Court of Human Rights
 (ECtHR), *Centre for Legal*
Resources (CLR) on behalf of
Valentin Câmpeanu v Romania
 293, 313–14
 'rescuing' children from poor families,
 European Court of Human
 Rights (ECtHR), *RMS v Spain*
 148–9, 152–3, 157–8, 160–61,
 162–7, 177–9
 Resnik, J 93
 respect obligation, UN Committee on
 the Elimination of All Forms of
 Discrimination against Women
 (CEDAW Committee), *AS v*
Hungary 252, 256–7
 Reynaert, D 466
 right to communal property, Inter-
 American Court of Human
 Rights (IACtHR), *Kichwa*
Indigenous People of Sarayaku v
Ecuador 447, 448, 453, 456, 458,
 459, 462, 479–81, 483–4, 495
 right to consultation *see* consultation
 right to cultural identity *see under*
 cultural considerations
 right to a fair trial, European Court of
 Human Rights (ECtHR), *Centre*
for Legal Resources (CLR) on
behalf of Valentin Câmpeanu v
Romania 307
 right to freedom of movement and
 residence, Inter-American Court
 of Human Rights (IACtHR),
Kichwa Indigenous People of
Sarayaku v Ecuador 458,
 490–91
 right to freedom of thought and
 expression, Inter-American Court
 of Human Rights (IACtHR),
Kichwa Indigenous People of
Sarayaku v Ecuador 458, 491
 right to health *see under* health
 right to human dignity *see* human
 dignity concept
 right to independent living, European
 Court of Human Rights
 (ECtHR), *McDonald v the*
United Kingdom 323, 328–31,
 335–6
 right to life, European Court of
 Human Rights (ECtHR), *Centre*
for Legal Resources (CLR) on
behalf of Valentin Câmpeanu v
Romania 295
 right to private life *see* private life
 right
 right to receive legal aid, African
 Charter on Human and Peoples'
 Rights (ACHPR) 102
 right to self-determination *see* self-
 determination right
 right to vote and to be elected,
 European Court of Human
 Rights (ECtHR) 80, 81–2
 Ringelheim, J 335
 road safety *see* European Court of
 Justice (ECJ), *Glatzel*
 Roberts, D 148, 157
 Rodley, N 224, 388
 Rodríguez-Garavito, C 454

- Roma women and involuntary sterilization *see* UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary*
- Romania, mental disability and access to justice *see* European Court of Human Rights (ECtHR), *Centre for Legal Resources (CLR) on behalf of Valentin Câmpeanu v Romania*
- Rombouts, H 190
- Rorive, I 21, 25, 261–85
- Rosenfeld, M 281
- Ruggie, J 456, 470, 498
- Russia, elections and right to take part *see* UN Human Rights Committee (HRC), *AP v Russian Federation*
- Ryngaert, C 191
- Sahu, G 472
- Saiz, I 120
- Salize, H 305
- Salomon, M 196, 198
- same-sex marriage *see* UN Human Rights Committee (HRC), *Joslin v New Zealand*
- Sant'Ana, M 184, 196, 197
- Saul, B 357–8
- Scheinin, M 1, 2, 13, 17, 22, 23, 25, 226, 381–400
- self-determination rights
- African Commission of Human and Peoples' Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 420–28
 - European Committee of Social Rights (ECSR), *International Planned Parenthood Federation European Network (IPPF/EN) v Italy* 270, 281–2
 - Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 449, 450–53, 454, 456, 478–9, 481–2
- self-identification, African Commission of Human and Peoples' Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 413, 432
- sex discrimination, UN Committee on the Elimination of Racial Discrimination (CERD), *Yilmaz-Dogan v The Netherlands* 221, 231–2
- see also* discrimination; gender shared responsibility benefits, European Committee of Social Rights (ECSR), *Federation of Employed Pensioners of Greece (IKA-ETAM) v Greece* 190–91, 194, 200–201
- Shelton, D 451, 462–3, 472, 474, 475
- Shepherd, J 407, 408
- Sheppard, C 166
- Siegel, R 264, 275, 276, 277, 280
- Silva, Á 79
- single mothers, European Court of Human Rights (ECtHR), *RMS v Spain* 149, 155, 157–8, 179–80
- see also* parents
- Sing'Oei, K 407, 408
- Skogly, S 185, 186, 187, 194
- Slaughter, A 93
- Smet, S 290
- Smis, S 22, 401–44
- Smith, R 2, 6, 23, 25, 120, 211–33
- South Africa
- Bengwenyama Minerals v Genorah Resources* 471
 - Boycott, Divestment And Sanctions South Africa v Continental Outdoor Media* 471
 - C and Others v Department of Health and Social Development, Gauteng and Others* 169
 - Children Protection Act 169
 - comparison, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 463, 471, 472–3
 - Federation for Sustainable Environment and The Silobela concerned community v The Minister of Water Affairs* 463

- Governing Body of the Juma Masjid Primary School v Essay N.O.* 471
- Lesbian and Gay Equality Project v Minister of Home Affairs* 121
- private actors and human rights obligations 471
- right to a healthy environment 463
- Ssenyonjo, M 302
- standstill obligation, European Court of Justice (ECJ), *Glatzel* 357–61, 372–3
- Stangos, P 182, 196, 275
- state obligations
- European Committee of Social Rights (ECSR), *Federation of Employed Pensioners of Greece (IKA-ETAM) v Greece* 196–8
 - European Committee of Social Rights (ECSR), *International Planned Parenthood Federation European Network (IPPF/EN) v Italy* 266–9
 - European Court of Human Rights (ECtHR), *McDonald v the United Kingdom* 320, 322–3, 332, 334, 335–6, 348–50
 - European Court of Justice (ECJ), *Glatzel* 362–3
 - Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 448, 469, 471–2, 490, 501
 - UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 241–2, 243, 246, 255–9
 - UN Human Rights Committee (HRC), *Paadar v Finland* 393
- Stavenhagen, R 455
- sterilization, involuntary *see* UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary*
- strikes *see* European Court of Human Rights (ECtHR), *National Union of Rail, Maritime and Transport Workers v the United Kingdom (RMT)*
- Taillant, J 461
- Taphorn, R 86
- Teubner, G 263
- Thornberry, P 416
- thought, freedom of, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 458, 491
- Timmer, A 158, 166, 336
- Tistounet, E 224
- training
- health personnel, UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 243, 257–8, 259
 - State officials on rights of indigenous peoples, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 448, 471–2, 501
 - see also* education issues
- Tramontana, E 417, 418
- Trask, M 420
- Trechsel, S 226
- Truth and Reconciliation Commissions, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 476
- Tsakyraakis, S 125
- Tulkens, F 32, 39, 45, 147
- Turek, M 452
- Turkey, independent candidates and parliamentary elections 83–4
- Turkington, S 159
- UK
- disability and elder rights *see* European Court of Human Rights (ECtHR), *McDonald v the United Kingdom*
 - industrial action *see* European Court of Human Rights (ECtHR), *National Union of Rail, Maritime and Transport Workers v the United Kingdom (RMT)*

- R (on the application of McDonald) v Royal Borough of Kensington and Chelsea* 335
- Ulfstein, G 226
- UN Committee Against Torture (CAT), and UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 237, 258
- UN Committee on Economic, Social and Cultural Rights (CESCR) and European Committee of Social Rights (ECSR), *Federation of Employed Pensioners of Greece (IKA-ETAM) v Greece* 192–3, 196
- human rights of indigenous peoples 414–15
- indigenous ancestral lands and cultural development 437, 455, 492–3
- right to health 249, 273
see also International Covenant on Economic, Social and Cultural Rights (ICESCR)
- UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee) 14
- and European Committee of Social Rights (ECSR), *International Planned Parenthood Federation European Network (IPPF/EN) v Italy* 272, 275–6, 281–2
- and European Court of Human Rights (ECtHR), *RMS v Spain* 158, 165
- and UN Committee on the Elimination of Racial Discrimination (CERD), *Yilmaz-Dogan v The Netherlands* 220–21, 224, 225, 231–2, 233
- UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 15, 16, 18, 234–60
- criminal accountability 245, 257, 259
- domestic legislation on principle of informed consent in cases of sterilization 242, 255–6
- ethnic discrimination 250–52
- EU Commission Against Racism and Intolerance (ECRI) 248
- and European Court of Human Rights (ECtHR) comparison 237–8, 242–3, 244, 245, 247, 249–50, 251, 258–9
- European Roma Rights Centre 236
- ex post* positive obligation to investigate 243–5
- external sources, working with 246–8
- fertility rate stereotype 250–51
- health personnel training obligation 243, 257–8, 259
- hospital personnel shortcomings and state information responsibility 241–2, 243, 246, 256–8
- Hungarian Public Health Act 257, 260
- information access and advice on family planning 235, 254–60
- integrated approach 238–40
- International Covenant on Civil and Political Rights (ICCPR) 237
- and International Covenant on Economic, Social and Cultural Rights (ICESCR) 256
- involuntary sterilization of Roma women 236–8, 248–9
- Legal Defence Bureau for National and Ethnic Minorities 248
- legal reasoning, beefing up 240–48
- legal reasoning and interpretation 238–9, 257–8
- medical information in language the patient understands 243, 258
- medical negligence cases as exception to general procedural obligations 244, 245
- minority rights dimension 248–52
- monitoring obligations 242, 243
- obligation to have in place adequate legal standards on informed consent 242
- obligation to respect 252, 256–7
- obligations to protect and fulfil rights 242–3, 248, 252, 257–8

- Oviedo Convention 246, 254, 259
 preventive positive obligation 241–3
 procedural state obligations 258–9
 Roma rights dimension and diversity characteristics 239, 248–52, 257
 and UN Committee Against Torture (CAT) 237, 258
 UN Committee on Economic, Social and Cultural Rights on the right to health 249
 and UN Human Rights Committee (HRC) 237
 Universal Declaration on Bioethics and Human Rights 247–8
 violation accountability concerns 243–4
 WHO Guidelines on Promotion of Patients' Rights in Europe 247–8, 254, 259–60
- UN Committee on Migrant Workers (CMW), and UN Committee on the Elimination of Racial Discrimination (CERD), *Yilmaz-Dogan v The Netherlands* 225
- UN Committee on the Rights of Persons with Disabilities (CRPD)
 comparison, UN Committee on the Elimination of Racial Discrimination (CERD), *Yilmaz-Dogan v The Netherlands* 224, 226
H.M. v Sweden 374
Liliane Gröninger v Germany 374
Marie-Louise Jungelin et al. v Sweden 374
- UN Convention on the Law of the Sea (UNCLOS) 188–9
- UN Convention on the Rights of the Child (CRC) 462
 European Court of Human Rights (ECtHR), *RMS v Spain* 156, 160–61, 164, 168–9, 172–3, 176, 178
- UN Convention on the Rights of Persons with Disabilities (CRPD) 78
 European Committee of Social Rights (ECSR), *Federation of Employed Pensioners of Greece (IKA-ETAM) v Greece* 199
 European Court of Human Rights (ECtHR), *Centre for Legal Resources (CLR) on behalf of Valentin Câmpeanu v Romania* 295–6, 297–8, 299, 307
- European Court of Human Rights (ECtHR), *McDonald v the United Kingdom* 318, 325–6, 328–9, 333, 335, 338, 346
- European Court of Justice (ECJ), *Glatzel* 351, 352, 353, 356, 361–5, 373–4, 377
- UN Human Rights Committee (HRC), *AP v Russian Federation* 78
- UN Declaration on the Rights of Indigenous Peoples (UNDRIP)
 African Commission of Human and Peoples' Rights, *Social and Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 403–4, 420–21, 423, 424, 427, 431, 432–3, 441–2, 443–4
- Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 453, 455, 459, 478, 481, 482, 483, 484, 491, 492
- UN Human Rights Committee (HRC), *Paadar v Finland* 388–9, 390–91, 398
- UN General Assembly, spousal entitlements, UN Human Rights Committee (HRC), *Joslin v New Zealand* 135
- UN Guiding Principles on Business and Human Rights, Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 456, 470, 497
- UN Guiding Principles on Extreme Poverty and Human Rights, European Court of Human Rights (ECtHR), *RMS v Spain* 165, 181
- UN Human Rights Committee (HRC) 14
Achabal Puertas v Spain 94
 African Commission of Human and Peoples' Rights, *Social and*

- Economic Rights Action Centre (SERAC) v Nigeria (Ogoni)* 414, 422–3, 437, 441
- Albert Womah Mukong v Cameroon* 390
- Althammer et al. v Austria* 393
- Ammari v Algeria* 87
- Bikramjit Singh v France* 93
- Broeks v Netherlands* 220, 223
- Brun v France* 298
- comparison, African Court on Human and Peoples' Rights, *Zongo v Burkina Faso* 108–9, 110
- Danning v The Netherlands* 223
- Derksen v The Netherlands* 393
- Diergaardt et al. v Namibia* 386
- Estrella v Uruguay* 219
- European Committee of Social Rights (ECSR), *International Planned Parenthood Federation European Network (IPPF/EN) v Italy* 276–7
- Francis Hopu and Tepoaitu Bessert v France* 414
- Gillot et al. v France* 386
- Inter-American Court of Human Rights (IACtHR), *Kichwa Indigenous People of Sarayaku v Ecuador* 455, 465
- JDB v The Netherlands* 223
- Kindler v Canada* 87, 228
- Kitok v Sweden* 386
- KL v Peru* 279–80
- Länsman v Finland* cases 385, 387–8, 396, 397, 414, 422, 452
- LTK v Finland* 131–2
- Lubicon Lake Band v Canada* 386–7
- Mahuika et al. v New Zealand* 386, 387, 391, 414
- Mellet v Ireland* 276
- Narrain v Mauritius* 96
- Oulajin & Kaïss v The Netherlands* 224–5
- Poma Poma v Peru* 389, 391, 398, 399–400, 423, 441, 455–6
- Pronina v France* 94
- Ranjit Singh v France* 93–4
- Robert Judge v Canada* 228
- Sankara v Burkina Faso* 110, 117
- Shingara Mann Singh v France* 94
- Toonen v Australia* 119–20
- and UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 237
- Yevdokimov v Russian Federation* 87
- Yoon and Choi v South Korea* 133, 142
- Zwaan-de-Vries v the Netherlands* 223
- UN Human Rights Committee (HRC), *AP v Russian Federation* 15, 16, 18, 71–99
- and African Court on Human and Peoples' Rights 82–3, 84, 88, 90, 91–2, 98
- American Convention on Human Rights (ACHR) comparison 77, 79, 80
- candidates as members of political parties 78, 83
- Committee decision 71–4
- communications under practices of confidentiality 86
- comparative electoral law 74–6
- comparative human rights law 76–84
- consensual basis for integrating human rights interpretation 88–9, 91, 92
- and Convention on the Rights of Persons with Disabilities (CRPD) 78
- critical engagement with external precedents, encouragement of 93–5
- critical engagement with external precedents, solidarity effects 94–5
- European Court of Human Rights (ECtHR) comparison 80, 81–2, 83–4, 89, 91, 93–4, 98
- gender perspective and representation of women 86
- independent candidates, national differences in recognising 75–6, 82, 85–6, 90–91, 98–9
- institutional perspective of integrating human rights interpretation 89–91, 92
- Inter-American Court of Human Rights (IACHR) comparison 79–81, 83, 84, 88, 97–8

- and Inter-American Court of Human Rights (IACHR) decisions 79–80, 89, 97–8
- International Covenant on Civil and Political Rights 72–3, 76
- international human rights treaty norms, effects of 88
- majoritarian systems versus proportional representation systems 74–5, 76, 77–8, 81–2, 84–5
- regional courts, dialogue with 86–95
- ‘rewritten’ decision 84–6, 87–8, 96–9
- right to take part in the conduct of public affairs and for elective office 72–4, 76–8
- Russian Federation State Duma proportional representation electoral system 71–2, 73
- single transferable vote system 85
- suprapositive aspect of integrating human rights interpretation 89, 91, 92
- UN Human Rights Committee (HRC), *Joslin v New Zealand* 15, 16, 18, 119–43
 - comparative method 125–6
 - and conscientious objection 133, 141–2
 - constitutional protection 121
 - cultural considerations and conditional right to same-sex marriage 123–4
 - equal treatment rights 123, 128–9
 - European Court of Human Rights (ECtHR) comparison 121, 123, 126, 127, 128, 129, 131, 132–4, 136, 140, 142
 - global legislative initiatives 121, 123
 - international petitions for LGBTI-rights 121–2
 - linguistic considerations and gendered language 126–8
 - linguistic considerations and gendered language, ‘men and women’ phrase, general understanding of 128–35, 140–41
 - linguistic considerations and gendered language, ‘ordinary meaning of marriage’ 129, 130–31, 134–5, 141
 - merits consideration 140–43
 - pluralistic human rights integration 124–5
 - same-sex couples as families 136
 - same-sex marriage rights, non-discrimination provision 136–7, 142–3
 - same-sex marriage rights, substantive interpretation 119, 135–8
 - UN General Assembly, spousal entitlements 135
 - US courts comparison 120–21, 129, 136, 137
- UN Human Rights Committee (HRC), *Paadar v Finland* 15, 16, 18, 381–400
 - collective rights 386, 388
 - disclaimer 384–5
 - free, prior and informed consent of the community 389, 391
 - human rights in respect of group rights, issues with 388
 - integration proposal 390–93
 - International Covenant on Civil and Political Rights (ICCPR) 381, 383–4, 385–6, 388, 389, 390, 391–2
 - minority rights provision 383–4, 391–3, 396–7
 - procedural right of consultation 392, 397–9
 - reindeer herding, coherent approach to indigenous peoples’ rights, struggles with 385–9
 - reindeer herding, state-imposed versus traditional 381–4, 396–7, 398–9
 - reindeer quota management 383, 393, 395–6, 398–9
 - right of self-determination 386–7, 391–2, 396–7
 - state party responsibility 393
 - test for assessing what interferes with life of minorities 387–8, 389, 392
 - United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 388–9, 390–91, 398
- UN Committee on the Elimination of Racial Discrimination (CERD) *Jewish Community of Oslo v Norway* 228
- LG v Republic of Korea* 228

- UN Committee on the Elimination of Racial Discrimination (CERD), *Yilmaz-Dogan v The Netherlands* 15, 16, 18, 211–33
- alternative fora 211–12
 - case facts overview 213–15
 - civil law tradition 212, 231
 - common law countries and optional communication systems 227–8
 - differences in absenteeism due to childbirth and illness between foreign and Netherlands women workers 213–14
- EU Council Directive 2000/43/EC, principle of equal treatment between persons irrespective of racial or ethnic origin 222
- and EU Equal Treatment Directive 218
- EU women's rights during and after pregnancy 218
- and European Economic Community laws 217–18
- European Social Charter (ESC) 218, 221–2
- European Union law 221, 227
- forum shopping, alternatives at the time 215–18
- forum shopping today 219–25
- and International Covenant on Civil and Political Rights (ICCPR) 216, 223–4, 228
- and International Covenant on Civil and Political Rights (ICCPR), Optional Protocol 219–20
- and International Covenant on Economic Social and Cultural Rights 1966 (ICESCR) 216, 223
- and International Labour Organisation (ILO) Conventions 216–17, 232
- judicial review opportunities 232–3
- multiple grounds of discrimination, recognition of 225–7
- Netherlands Sickness Act and Penal Code 213–14, 233
- Netherlands Women and Minorities Policy 220–21
- Opinion summary 215
- sex discrimination element 221, 231–2
- treaty bodies and consistency across committees 225–7
- treaty body members, expertise concerns 224–5
- UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Optional Protocol 220–21, 224, 225, 231–2, 233
- UN Committee on Migrant Workers (CMW) 225
- UN Committee on the Rights of Persons with Disabilities (CRPD) comparison 224, 226
- Universal Declaration on Bioethics and Human Rights, UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee), *AS v Hungary* 247–8
- Universal Declaration of Human Rights (UDHR) 3, 337
- US
- American Declaration of the Rights and Duties of Man 403
 - Baehr v Miike* 120
 - courts comparison, UN Human Rights Committee (HRC), *Joslin v New Zealand* 120–21, 129, 136, 137
 - Goodridge v Dept. of Public Health* 120–21, 129
 - Obergefell v Hodges* 136, 137
 - Perry v Schwarznegger* 137
 - same-sex marriage 120–21
 - Zablocki v Redhail* 136
- validity review concerns, European Court of Justice (ECJ), *Glatzel* 361–3
- Van de Heyning, C 332
- Van de Kerchove, M 43
- Van den Eynde, L 290
- Van Der Have, N 188
- Van der Noot, O 23, 24, 31–70
- Van Drooghenbroeck, S 23, 24, 31–70
- Van Genugten, W 185
- Vandenhole, W 13, 22, 26, 182–207, 469

- Venugopal, V 82
- Verdonck, L 10, 13, 21, 22, 26, 445–504
- Vienna Convention on the Law of
Treaties (VCLT) 7–8, 32, 35,
38–41, 88–9, 124, 126, 130, 227–8,
427–8
- Vierucci, L 303
- Viljoen, F 120, 302, 304, 407, 411, 412
violations
- African Court on Human and
Peoples' Rights, *Zongo v Burkina
Faso* 103–4
- European Committee of Social
Rights (ECSR), *Federation of
Employed Pensioners of Greece
(IKA-ETAM) v Greece* 183–4,
186, 188–9, 190–91, 192, 199–201,
204
- Inter-American Court of Human
Rights (IACtHR), *Kichwa
Indigenous People of Sarayaku v
Ecuador* 457–9, 467–73, 485–6
- UN Committee on the Elimination
of All Forms of Discrimination
against Women (CEDAW
Committee), *AS v Hungary* 243–4
- vote, right to, European Court of
Human Rights (ECtHR) 80, 81–2
- Waddington, L 317, 329, 354
- Wallace, J 157
- Ward, T 389, 415, 420, 422, 423, 424
- West, R 155
- White, N 187
- White, S 72
- WHO Guidelines on Promotion of
Patients' Rights in Europe, UN
Committee on the Elimination
of All Forms of Discrimination
against Women (CEDAW
Committee), *AS v Hungary* 247–8,
254, 259–60
- Wiesener, C 186
- Wiessner, S 403
- Willems, G 48
- Willems, J 156–7
- Winograd, E 158, 166
- women
- EU women's rights during and after
pregnancy 218
- sterilization, involuntary *see* UN
Convention on the Elimination
of All Forms of Discrimination
against Women (CEDAW), *AS v
Hungary*
- World Health Organization (WHO)
best practices, European
Committee of Social Rights
(ECSR), *International Planned
Parenthood Federation European
Network (IPPF/EN) v Italy* 273
- Xanthaki, A 416
- Yilmaz, S 82
- Young, K 125
- Zimiele, I 32

